

1 **JOSEPH C. HOWARD, JR. [SBN: 050784]**
2 **TODD H. MASTER [SBN: 185881]**
3 **HOWARD ROME MARTIN & RIDLEY LLP**
4 1775 Woodside Road, Suite 200
5 Redwood City, CA 94061
6 Telephone: (650) 365-7715

7 Attorneys for Defendants
8 **CITY OF MONTE SERENO, BRIAN LOVENTHAL,**
9 **ERIN GARNER, A. CURTIS WRIGHT, MARK BRODSKY,**
10 **BARBARA NESBET and DAVID BAXTER**

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 **JOSEPH PADGETT and DARLA PADGETT,**

15 Plaintiffs,

16 vs.

17 **CITY OF MONTE SERENO, et al.,**

18 Defendants.

Case No. C 04 03946 JW (RS)

19 **STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE HEARING ON**
20 **PLAINTIFFS' MOTION FOR**
21 **TERMINATING SANCTIONS AND**
22 **DEFENDANTS' MOTION FOR**
23 **PROTECTIVE ORDER**

24 **Date: March 5, 2007**
25 **Time: 9:00 a.m.**
26 **Judge: Hon. James Ware**
Courtroom: 8

27 Pursuant to ND CA Rule 7-7(b), IT IS HEREBY STIPULATED by and between the parties
28 hereto, through their respective attorneys of record, that the hearing on plaintiffs' motion for
29 terminating sanctions and defendants' motion for protective order (which are currently scheduled
30 to be heard on March 5, 2007 before the Honorable James Ware) be continued until March 12,
31 2007 at 9:00 a.m. before the Honorable James Ware in Courtroom 8. The parties have not filed
32 any prior stipulations to continue this hearing date.

HOWARD ROME MARTIN & RIDLEY LLP

1775 WOODSIDE ROAD, SUITE 200
REDWOOD CITY, CALIFORNIA 94061
TELEPHONE (650) 365-7715

1 This continuance is being requested because of a death in the family of defense counsel,
2 which will cause him to be out-of-state on March 5, 2007 and unavailable for the hearing as
3 currently scheduled.

4 Date: February 26, 2007

HOWARD ROME MARTIN & RIDLEY LLP

5
6 By: Todd H. Master
7 Todd H. Master
8 Attorneys for Said Defendants

9 Date: February 26, 2007

10 By: Darla Padgett
11 Darla Padgett

12 Date: February 26, 2007

13 By: Joseph Padgett
14 Joseph Padgett

15 **ORDER**

16 Pursuant to the above stipulation, it is hereby ordered that the hearing on plaintiffs' motion
17 for terminating sanctions and defendants' motion for protective order is continued until March 12,
18 2007 at 9:00 in Courtroom 8.

19 Date: February 27, 2007

20 By: James Ware
21 Hon. James Ware
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